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JD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/203,965	12/02/98	LEE	G DAVOX-159XX

BOURQUE AND ASSOCIATES  
835 HANDOVER STREET  
SUITE 303  
MANCHESTER NH 03104

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EXAMINER

DEANE JR, W

ART UNIT

PAPER NUMBER

2742

DATE MAILED: 10/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.  
09/203,965

Applicant(s)  
Lee

Examiner  
Bill Deane

Group Art Unit  
2742



☒ Responsive to communication(s) filed on Dec 2, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-19 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the AIN aspect of the invention must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 - 4, 6 - 12 and 14 - 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,278,898 (Cambray et al.).

With respect to claims 8 and 15, Cambray et al teach a hold queue prioritizing system, comprising; an automatic telephone system (Col. 1, lines 43 - 44), a call receiver/director (12), a customer database (Col. 2, line 57), a means for obtaining identifying information (note call ID and indicia of Fig 1), at least one hold queue (18) connected to call receiver/director (12) (see Fig. 1), a plurality of call agent terminals (16) coupled to the automated phone system (Fig. 1) and a hold queue prioritizer/call retriever (26). With respect to the display in claims 8 and 16, such is inherent. With respect to the means for manually directing a call to an available agent in claims 8 and 16, note Col. 4, lines 30 - 34.

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With respect to claims 9 and 18, note raw customer information retrieved (note Col. 3, lines 8 - 11).

With respect to claim 10, note call priority score (Claim 2)

With respect to claims 11 and 19, note absolute priority (FIFO, Col. 2, lines 11 - 16).

With respect to claim 12, note Col. 2, lines 5 - 8 and Col. 5, lines 15 - 31.

With respect to claim 14, note Col. 2, line 60.

With respect to claim 17, note Col. 2, line 65 - Col. 3, line 4.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cambray et al in view of U.S. Patent No. 5,692,033 (Farris).

Cambray et al teach the claimed device as discussed supra except for the AIN aspects of the invention. However, Farris discloses a queuing system in an AIN environment. Since Cambray et al teach a means for call ID (Fig.), it would have been obvious to one of ordinary skill in the art to have incorporated such an AIN environment as taught by Farris in the device of Cambray et al as such would only entail the substitution of one well known call identifier for another.

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,088,444 (Walker et al.) - note value-based queuing and use of IVRU;

U.S. Patent No. 5,946,388 (Walker et al.) - note priority queuing and Fig. 1;

U.S. Patent No. 5,754,639 (Flockhart et al.) - note Figs. 1-3;

U.S. Patent No. 5,164,981 (Mitchell et al.) - note Abstract

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 308-6306.

  
WJD

September 29, 2000

  
KRISTA ZELE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700